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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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17 January-4 February 1994

ADOPTION OF THE DRAFT REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Colombia

1. The Committee considered the revised combined second and third periodic reports of Colombia (CEDAW/C/COL/2-3/Rev.1) at its 250th meeting, on 31 January 1994 (CEDAW/C/SR.250).

2. In presenting the report, the representative read out a letter from the President of Colombia addressed to the Chairperson of the Committee. In the letter the President reaffirmed the commitment of the Government to guaranteeing equal rights for women as spelled out in the Constitution of the country. That commitment had been demonstrated by the establishment of the Presidential Council for Youth, Women and the Family, by the adoption of an integrated policy for women and a development policy for rural women.

3. The representative focused on the achievements made by her country since 1987, the year of the presentation of the initial report. She said that the ratification of the Convention had been the result of pressure exercised by women's organizations, international groups and the nascent awareness of national institutions, in addition to events promoted by the United Nations within the framework of the United Nations Decade for Women. The creation of the Colombian Women's Integration Council in 1980 had marked a milestone in that

it recognized the necessity of creating a national mechanism for coordinating the various sectoral efforts to integrate women into their activities. Certain sectoral developments had been successfully initiated and had led to the creation, in 1990, of the CEDAW Coordination and Control Committee and to the establishment of the Presidential Council for Youth, Women and the Family.

4. In connection with the celebration of the International Year of the Family in 1994, the Government had paid attention to ensure that the achievements and the progress made, with regard to the status of women, would not be jeopardized by the general concept of the family. The rights of all family members had to be respected and it should be possible to reconcile individual projects with the family responsibilities. The subject of family violence would be a priority issue.

5. Regarding the preparations for the Fourth World Conference on Women, the representative said that the Presidential Council had been designated as focal point for the coordination and mobilization of governmental and non-governmental organizations and also for the preparation of the national report.

6. She assured the Committee members that their observations would be taken into account in the elaboration of future government policies and also for the subsequent report.

1. General observations

7. Members commended the Government of Colombia and the Colombian NGOs for the progress made in spite of the difficulties created by violence and the economic recession. Special mention was made of the 1991 Constitution, which recognized very extensive rights for women, and of the good representation of women in economic life, although their proportion in public representative institutions was still low. They welcomed the appointment of three female ministers. The members hoped for the enactment of a draft law that provided a guarantee for the appropriate and effective participation of women at decision-making levels of the public administration and encouraged political parties to present more female candidates for elections. Furthermore, they urged the Government, in implementing the Convention, to adopt programmes for rural women.

8. Members expressed appreciation for the message sent by the President and for the dense, self-critical and frank report, as well as for the extensive replies given. They commended the establishment of the Presidential Council for Youth, Women and the Family and hoped that the new administration would maintain its efforts for the advancement of women.

9. In reply to a question as to why the CEDAW Coordination and Control Committee had not functioned since its establishment, although it could have complemented the efforts of the Presidential Council, the representative said that, although the Committee's establishment had demonstrated the Government's intention to create a national coordination mechanism for women's questions, it could not fulfil its mandate because of its weak institutional structure. That was why the present administration had created the Presidential Council for Youth, Women and the Family.

10. Asked about the Council's budget and organizational structure and the coordination between it and other government departments dealing with women's programmes, the representative said that the Council was part of the administrative structure of the State. The Council depended upon the President and had to coordinate resources for projects and programmes that guaranteed the promotion of women and the rights of the elderly. It was also the focal point at the national and international levels for women and gender-related issues. For the first time, gender-related issues had been integrated into development. The Council's functions consisted in defining policies, providing technical guidelines for integrating them within the governmental bodies, developing methods for promoting social and economic programmes and coordinating activities with ministries, institutes, regional bodies and NGOs. In order to strengthen the Council, strategies were being developed to make it into a permanent institution that should survive a change in government. The Council also gave support to departmental and municipal women's offices in order to strengthen them to such an extent that they would survive a change in administration, not only because of their legal structure, but also because of their visibility.

11. The Council had been established by the President and currently had a staff of 50 persons. Its programme also included issues related to youth, the elderly, the handicapped and the family, as well as income-generating activities and its goal was to make women benefit from the development process. In addition, there was coordination with other sectors on subjects such as developing coeducational programmes and non-sexist curricula, health care for women, credit and training for women in micro-industries, and support for female heads of households. The Council had already been institutionalized to the extent that the current candidates for the presidential election were already considering different administrative structures for a National Women's Office.

12. The Council had its own budget, received in part from national allocation, in part from international cooperation agencies. Additional funds for special programmes came from ministries, decentralized institutes and regional and municipal institutions.

13. Members requested information concerning programmes and measures directed towards disabled women.

14. In additional comments, members noted that the Presidential Council should be strengthened and hoped that the institution would be maintained even if the government changed. They also asked what the greatest achievements of the Presidential Council had been. Furthermore, they inquired about the impact of guerilla warfare and drug trafficking on the lives of urban and rural women.

2. Questions related to specific articles

Article 2

15. The representative highlighted the most important provisions of the Constitution, which had entered into force in 1991 and in which the principle of gender equality was enshrined. The provisions of the Convention had been incorporated in national legislation.

16. Other new laws that contributed to the equality of women and men were the Social Security Law, the General Education Law and the law that allowed divorce and gave support to the single female heads of household. Currently, a draft law concerning sexual violence, sexual harassment and the participation of women in public administration were being discussed.

Article 3

17. Among institutions dealing with the advancement of women, the representative mentioned the Presidential Council for Youth, Women and the Family, the Office for Rural Women and 11 departmental and municipal women's offices and sectorial programmes.

Article 5

18. The representative said that, in the mass media, as well as in formal education, traditional stereotypical gender roles still tended to be reproduced and maternity and reproductive activities remained the primary responsibility of women.

19. Asked for additional information regarding violence against women, the representative said that, in comparison with the importance of that problem, the services available to female victims were still scarce. Statistics and studies were insufficient and based on partial data, yet the available information was alarming. According to a recent study, 65 per cent of women who were either married or lived in consensual unions stated that they had had a violent fight with their partner. One in 5 women said that they had been beaten and 1 in 10 declared that she had been forced into sexual relations. The current legislation did not cover that offence, nor were there sanctions for violence against women. As the Constitution made specific reference to marital violence, efforts were under way to adopt appropriate legal norms to penalize violence against women.

20. Regarding the question as to whether female victims of violence were given legal advice free of charge, the representative mentioned the family commissions that had been created in 1989 to prevent such violence and to give assistance free of charge to women who had become victims. Currently, there were about 100 commissions, which received special support from the Government. They were municipal police-type bodies that undertook emergency measures until the cases were dealt with by the appropriate judicial or administrative authorities. However, because of budgetary limitations and lack of awareness about the issue, not all municipalities had set up such commissions.

21. Regarding the availability of those Commissions in rural areas the representative said that they did not yet exist in all rural areas. Efforts were under way to establish more family commissions in order to establish a nationwide network and to provide the necessary training to the officers and to extend the free legal advice services throughout the country.

22. With regard to the question about special training for the officers working in family commissions, the representative said that, although there was not yet any systematic training programme, some progress had been made and training

workshops and programmes were being organized for judicial personnel who had to deal with female victims of violence as well as for the officers of the family commissions.

23. Regarding a question about shelters for female victims of violence, the representative said that there were only a few, which were run by NGOs.

24. In additional comments, members commended the efforts undertaken for obtaining more accurate data on violence against women. They noted that no mention had been made of measures to eliminate the root causes of violence. They said that one of the most important measures was the education of the entire society. They expressed the hope that the question of violence would also be dealt with in subsequent reports.

Article 6

25. Regarding prostitution, the representative said that the invisibility of the problem and insensitivity to it hampered implementation of the relevant provisions of the Convention. It was still felt that was a problem of private morals and not an ethical problem in a society that pretended to be a developed democracy.

26. In reply to the question as to whether HIV/AIDS prevention and treatment programmes were targeted at women engaged in prostitution, the representative said that since 1992, the Ministry of Health was training prostitutes in the prevention of HIV/AIDS and in the use of condoms. Those training programmes were confined to the main cities. The prevention of HIV/AIDS through screening programmes was also difficult because of the high cost involved. Apart from some big cities, there were generally as yet no services specifically for the care of women prostitutes who were affected by HIV/AIDS. In December, the Institute of Family Welfare had started an ambitious programme for preventive and health care for girls who were at risk of becoming prostitutes.

27. Members requested that subsequent reports contained further information concerning prostitution. They also said that particular attention should be paid to the phenomenon of increased street prostitution. They expressed concern that only rape of minors below the age of 14 was penalized, considering that aged and disabled women were equally vulnerable.

Article 7

28. The representative said that no legal measures discriminated against women as regards political participation. However, although they had increased their participation, statistics showed that in practice women had not reached the highest levels equitably and continuously. Whereas more women could be found in leading positions in trade unions in the public sector, their number was much smaller in the private sector. The representative also highlighted the information given in the report regarding the role of women in community organizations, political parties and the cooperative movement. She said that 180 NGOs dedicated their activities in 1993 to the promotion of women.

29. Members noted that the statement in the report that women were "not yet organized in sufficient strength to constitute a pressure group" was not valid. Women could not wait to be organized, they ought to take action in all fields in order to achieve greater participation in decision-making. They also asked whether any initiative was taken to promote the participation of women in political life through increasing their numbers in political parties or on candidates' lists.

Article 8

30. The representative stated that currently the Minister for Foreign Affairs was a woman and that 10 per cent of all ambassadors were women.

Article 10

31. The representative said that measures had been undertaken to improve and promote the concept of equality through the production of non-sexist school texts. Women represented between 49 and 52 per cent of the school enrolment figures from primary to university education and there was a marked trend in favour of coeducation. While considerably more women had taken up courses in administration, economics, engineering, law and agronomy, women were still concentrated in traditional areas.

32. Referring to questions as to whether the draft General Education Law had been adopted, whether it contained specific measures to combat discrimination against female students and positive measures to counter traditional stereotypes, the representative said that the law had been adopted in December 1993. It did not contain affirmative measures or provisions specifically addressed to women, except those regarding the modification of school textbooks.

33. Members requested further information on the participation of women in the various fields in which educational training was provided.

34. In additional comments, members requested further information about provisions dealing with non-sexist education and were concerned that the Government did not devote more attention to the issue of education.

Article 11

35. The representative mentioned a law for the support of women heads of household that had been adopted in December 1993, which gave female heads of households a right to social security, preferential access to education, employment, credit, micro-enterprises and low-cost housing. That law was the first example of affirmative action in Colombia.

36. In reply to questions as to whether measures had been undertaken for the welfare and labour rights of women working in the informal sector and whether the draft law on social security that had been mentioned in the report had been adopted, the representative said that in December 1993, Law 100, which had created the basis for the integrated social security system, had been adopted. According to that law, social security was no longer the sole responsibility of

the State. For old age and invalidity pensions, persons could choose between the social security scheme that was maintained by the State and another one that was financed from pension funds in the private sector. Over a span of seven years, the entire population, including people who could not pay the premiums, should be covered by a health insurance scheme. The contributions of the poorest and most vulnerable persons in rural and urban areas would be subsidized and special attention would be given to, among others, women during and after pregnancy, lactating mothers, women heads of household and workers in the informal sector.

37. Regarding questions as to whether the current laws were being enforced, and by what means, and whether labour inspectors dealt with failures to comply with the law, the representative said that the Ministry of Labour and Social Security had the authority to supervise the application of the laws through its Division for Special Relations. It was currently doing research on discrimination against women in the field of employment. The results of the study would be used to initiate training and consciousness-raising of labour inspectors in that field.

38. Asked whether legal counsel and legal defence services were available to women free of charge, the representative responded that free legal counsel on labour matters was available to the vulnerable sections of the population, such as working children, women, indigenous women and disabled persons. In general, however, women were inadequately informed about their labour rights and the services that were available free of charge.

39. Regarding further details about women's participation in the labour market, the increase in the economically active female population, the occupational categories, wage differences, women's employment in the informal sector and the increase in the number of women heads of household, the representative referred members to a 1993 document entitled "Latin American women in figures" that had been handed out during the meeting. Women's integration into the labour market had been much faster than men's, but at the same time women had to face many adverse factors, such as their concentration in the informal sector with its precarious social security and legal protection, the higher rate of unemployment and the poverty that affected women heads of households to a greater extent.

40. In additional comments, members congratulated the Government for all the efforts undertaken and asked for the percentage of women heads of households.

Article 12

41. In reply to a question about plans to amend the existing laws governing the voluntary termination of pregnancies, the representative said that abortion was still illegal. The last attempt to legalize abortion had been made in 1993, but the draft law had to be set aside because of the strong opposition from members of Congress.

42. Regarding a question about any campaigns to promote the use of condoms in order to reduce the spread of HIV/AIDS, the representative said that, in spite of massive resistance from religious groups, the Ministry of Health had managed to set aside important resources for an intensive media campaign to promote

their use. None the less, widespread distribution of condoms had not been achieved.

43. In additional comments, members said that women in Colombia should fight for the legalization of abortion not in order to reduce births, but in order to protect women from illegal abortions, which resulted in maternal mortality. They said that the problems associated with abortion had not been helped by the Government's family planning media campaigns and programmes.

Article 13

44. The representative made special reference to the newly adopted Law on Social Security and Pensions, which contained, inter alia, the obligation to organize special information and education programmes for women in the fields of integrated health and sex education in less developed parts of the country, especially for the rural population and the young.

Article 14

45. The representative supplemented the information contained in the report by mentioning a policy document for rural women, which contained general objectives and basic strategies for rural women and which had been approved in the latter part of 1993. Its purpose was to better the quality of life of rural women by giving them equal opportunities for taking part in the sectoral strategies, in political life, better access to productive resources and by increasing their revenues. The national machinery for rural women should also be strengthened.

46. In additional comments, members observed that regulations and laws were needed to govern the labour practices of flower producers.

Article 15

47. Although women had full equality before the law as spelled out in the Constitution, that principle had not been translated into full de facto equality. The major obstacles were insufficient information of many women about their rights and about the legislative machinery that was available to them for making them effective. In order to overcome that obstacle, the Presidential Council would, in the course of the International Year of the Family, disseminate widely information about fundamental family rights, and in particular of the rights of women.

Article 16

48. The representative pointed out two major innovations: a decision of the Constitutional Court in 1992, according to which domestic labour was recognized as a contribution to the assets of the couple in a de facto union; and a law adopted in 1992 according to which divorce was permitted for all marriages, including marriages in the Roman Catholic Church.

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Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Australia

1. The Committee considered the second periodic report of Australia (CEDAW/C/AUL/2) at its 251st meeting, on 31 January 1994.

2. In her introductory statement, the representative of Australia recalled her Government's commitment to eliminate discrimination against women and referred to the means used to promote the status of women. Upon ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1983, the Sex Discrimination Act was passed in 1984 and the Affirmative Action (Equal Employment Opportunity for Women) Act in 1986. Several legislative amendments have been made since then, strengthening the sex discrimination and sexual harassment provisions. The representative underlined that her country's federal system of government required a cooperative approach between the Federal Government and the Governments of the States and Territories to implement the Convention. The New National Agenda for Women, released in 1993 by the Federal Government, reflected many articles of the Convention and was a guideline to the year 2000.

3. The second periodic report followed the tradition of frankness about what remained to be done to implement the Convention. As part of a programme to raise awareness on equal rights, the report had been widely distributed throughout the country. Government policy advice mechanisms on the status of women had been reviewed and several new consultative mechanisms established.

4. Women's representation in public life remained one of the areas of concern, since only 14.5 per cent of the members of Australia's parliament were women. The reasons for women's absence in decision-making and strategies to influence the political agenda would be discussed in a paper on women and government in Australia and New Zealand. Women's underrepresentation in the judiciary was addressed by the Federal Attorney-General in a paper on the process of judicial appointments.

5. Violence against women, as a violation of women's human rights and a form of discrimination, was another area of national concern and a policy priority for the Office of the Status of Women. The National Strategy on Violence Against Women provided a framework for concerted action at all levels of government. A national education programme on violence against women had been launched recently.

6. The third area of concern was the situation of particularly disadvantaged groups, including indigenous women, migrant women, all women of non-English speaking background and women with disabilities. Aboriginal and Torres Strait Islander women were the most disadvantaged people in Australian society, with high infant mortality rates, low life expectancy, high unemployment figures and high incidence of domestic violence and homicide. The Aboriginal and Torres Strait Islander Commission (ATSIC) had been established as the premier body responsible for Federal Government programmes. The ATSIC board members were elected by and from the Aboriginal and Torres Strait Islander people. The Office of Indigenous Women within ATSIC coordinated the Women's Initiative Program. A national Aboriginal and Torres Strait Islander Consultative Women's Council was being considered. A comprehensive Women's Health Policy was in preparation. The representative stated that further programmes would be developed to help Aboriginal and Torres Strait Islander peoples move out of situations of dependence. The most significant development was the introduction of the Native Title Act on 24 December 1993, which would establish tribunal and court processes for determining claims to native title.

7. The representative stated that Australia, being a member of the Commission on the Status of Women during the period leading to the Fourth World Conference on Women, felt responsibility to participate actively in international mechanisms and to promote the equality of women, in partnership between States, as reflected also in the international development work of the country. Australia was focusing on the protection of women's rights within mainstream human rights forums to avoid marginalization of women's human rights.

1. General observations

8. Members of the Committee acknowledged the quality of the report, which complied with the general guidelines. A great deal of information had been made available in a self-critical manner. They thanked the representative for the extensive and very informative replies and commended the Government of Australia for the specific action taken to improve the status of women and its commitment to the implementation of the Convention. Special reference was made to the contribution of Australia to the World Conference on Human Rights and its efforts to treat the human rights of women on the same basis as all human rights.

9. Members especially welcomed the fact that women's unpaid work in the family was taken into consideration and integrated in the national accounts.

10. Members inquired about a change in government policy with regard to the reservation under article 11, paragraph 1 (c) in connection with combat duties, and under article 11, paragraph 2 (b) on maternity leave. The representative replied that the ban on women serving in combat roles had been lifted, with a small number of exclusions related to violence. Women in the Australian Defence Force could now serve in the navy, army and air force. As a result of the revised employment policy, Australia would adjust its reservation to the Convention. With regard to the second reservation, maternity leave with pay was provided for all women employed by the Commonwealth Government subject to a 12-month qualifying period for 9 to 12 weeks depending on the State or Territory. Unpaid maternity leave had become available to Australian women employees since 1979 and had been inserted in all major Federal awards and the majority of State awards. During the International Year of the Family, paid maternity leave would become one of the major issues for public debate. The Government was now taking steps to introduce universal parental leave.

11. Following this report on gradual progress achieved, members expressed their hope that the Government would be able to report on the removal of the reservations in the next periodic report.

2. General questions

12. Acknowledging Australia's ambitious programmes to raise community awareness of the problem of violence against women, the question was raised whether the incidence of such violence had decreased. The representative replied that there were a number of barriers to collecting comprehensive data. Much violence against women was not reported, particularly domestic violence. However, a greater community awareness of the criminality of violence against women has brought with it an increase in reporting. The Office on the Status of Women would establish a national coordinated data collection network with standardized statistical collection methods.

13. Asked about the impact of programmes to eliminate violence in the Aboriginal community, the representative stated that a National Family Violence Intervention Program was being implemented by ATSIC using a community

development approach. A national men's conference to discuss specific issues of family violence was held in 1993.

14. Members requested information on section 37 of the Sex Discrimination Act and asked whether this legal provision was applied for acts in conflict with Australian legislation or with the provisions of the Convention. The representative replied that such acts were only exempt by force of section 37 of the Sex Discrimination Act but were not exempt from criminal sanctions under other legislation. For example, genital mutilation would be treated as a breach of State assault laws and polygamy would be illegal under the Marriage Act.

15. The Committee welcomed the positive legislative measures, strategies and programmes for providing assistance to women that made it possible to have official legal rights on an equal basis with men. Asked why the Government still had not provided constitutional guarantees for equality of the sexes which would enrich the basic law of the States, the representative replied that it would require a constitutional amendment by referendum to entrench the right of equality of the sexes in the Australian Constitution. There has been ongoing debate since 1988 on which rights and freedoms should be explicitly guaranteed in Australian law. While approaching Australia's centenary of federation in 2001, interests in constitutional change had been renewed, and a conference on the issue of women and the Constitution would be organized in 1994.

3. Questions related to specific articles

Articles 1, 2 and 3

16. The Committee asked for an organizational chart to better understand the relationships between the women's organizations that were noted to have the common purpose of promoting the status of women. The representative replied that a distinction needed to be drawn between Government administrative and policy bodies and advisory bodies to the Government. The Office of the Status of Women (OSW) was a Division within the Federal Government's Department of the Prime Minister and Cabinet. The National Women's Consultative Council (NWCC), operating with federal funds and serviced by OSW was a means of communication between the Government and the members of national women's organizations. The Australian Council of Women was an advisory body to the Government on key issues for the Fourth World Conference on Women. The Federal Government set up the Human Rights and Equal Opportunity Commission as a statutory body to administer four Acts, including the Sex Discrimination Act 1984.

17. On the question of whether the Minister Assisting the Prime Minister for the Status of Women was a Cabinet member, the representative replied affirmatively and said that this had been achieved in a Ministerial reshuffle in December 1993.

Article 4

18. Members requested information on a study group on Aboriginal women and its authority and resources to ensure equality for indigenous women. The representative replied that she was unable to ascertain which study group was

referred to. She noted that the Office of Indigenous Women (OIW) within ATSIC was the body responsible for Federal Government programmes for Aboriginal and Torres Strait Islander women. Since 1992, annual National Aboriginal and Torres Strait Islander Women's Conferences had been held to enable representatives of indigenous women to identify important issues and provide advice to ATSIC.

19. Asked what her Government had done to increase the status of Aboriginal and Torres Strait Islander women and whether they would be treated on equal terms if land was returned to the indigenous population, the representative confirmed that the high court decision in Mabo and Others v. the State of Queensland was the most significant judicial act that paved the way for the Native Title Act 1993, which represented a political shift in the treatment of indigenous Australians, although its full impact could not yet be grasped fully. An Aboriginal and Torres Strait Islander Social Justice Commissioner had been appointed to monitor and assess the human rights of the Aboriginal and Torres Strait Islander peoples, in particular women. Women's equal rights should be a major concern when it came to redistribution of land. She agreed that many services provided for indigenous women in the past had failed because traditional values had not been taken into account in the design and implementation of programmes, but efforts were being made to remedy this situation, in particular in the health sector.

Article 5

20. Having been informed that maternity leave was widespread in the public sector, the Committee wanted to know what action had been taken to enable women to continue work in the private sector, where most quit their jobs after giving birth. The representative highlighted that the inclusion of maternity, adoption and parental leave had been supported by the Government in federal awards. Asked whether legislation relating to paternity leave was being considered, she reported that significant progress had been made on this issue, since industrial relations legislation guaranteed 12 months unpaid parental leave, which could be shared between men and women.

21. The Committee expressed its difficulty in fully understanding the reservation on maternity leave. The representative said that there was considerable discussion going on in her country on this issue. Women's participation in wage labour had increased significantly in the last 15 years. The resistance to paid maternity leave came from many sides; there was no agreed consensus on the issue even among women's organizations and trade unions. The universal social security system existing in the country cushioned cuts in income levels and was an incentive for part-time work. There also had not been strong pressure or demand for facilities to feed babies in the workplace.

22. Commenting on violence against women, the experts asked how many women had taken refuge in shelters. The representative said that a national census on a single night in May 1992 found 4,700 adults and children using the Support Accommodation Assistance Program (SAAP) as a result of family violence. Eighty-five per cent of women applied for Government benefits or pensions after taking refuge. An accurate figure on women obtaining protection orders could not be given owing to a lack of consistency in data collection by the States and Territories. In 1991, there were 603 applications for Domestic Violence Orders

in the Australian Capital Territory, 90 per cent made by women against men. Asked how women's organizations helped victims of rape within marriage and of domestic violence, the representative said that rape crisis centres, domestic violence crisis services and women's health centres provided information on legal, health, financial and crisis accommodation matters and referred women to appropriate services.

23. The Committee wanted to know how the Government viewed the problem of violence against women and if any attempts were being made to solve it. The representative stressed that the commitment of the Government was evidenced by its considerable support to women and children victims of violence and its efforts to change the law and behaviour of perpetrators. The New National Agenda defined strategies to eliminate violence against women which included further legislative reform. The Government provided considerable funding for various measures to eliminate violence, in particular for community education campaigns, the provision of shelter and income support to women escaping violence. An emphasis was put on the role of men in all aspects of violence and the re-education of aggressors. A clear message was being sent out that violence was not an accepted behaviour.

24. Replying to a question on the legal concept of the family in Australian society and measures taken to strengthen it, the representative first stated that the family, as an entity, had no legal status or legally enforceable rights or duties. The Family Law Act concerned itself with the rights, duties and responsibilities of the individuals who belonged to families of particular kinds. The law implicitly recognized the existence of certain kinds of family. Australia's federal system did not provide a comprehensive code for family relationships, but recognized people's responsibilities for their relationships. In order to promote greater support, harmony and quality of life for all families, the Government had introduced a package of family payments. Efforts had been made to provide quality child care.

Article 7

25. Members of the Committee expressed their regret that the report lacked an analysis of the obstacles to the achievement of equality for women in positions of political leadership, and asked for more information on the reasons for the disparity in figures between different institutions. The representative explained that women tended to be particularly underrepresented in high-level posts in science and technology owing to entrenched values regarding women's entry into non-traditional areas. Her Government targeted women in public life as one of three priorities for improving the status of women and, therefore, was committed to 50 per cent representation of women on Government boards by the year 2001. A register of women and a monitoring system had been established. Women's underrepresentation in public life resulted from entrenched social attitudes, parliamentary practices which conflicted with family responsibilities, lack of women in leadership positions and factionalism in the pre-selection processes in major political parties.

26. In reply to a question on the level of women's representation in local and national government, the representative said that there were higher levels of female participation in local governments and relatively low levels in national

government. This might be due to the structure of major political parties in Australia and their dominance by men. Large distances inside the country were another obstacle to women's involvement in leading positions, since a lot of women were not prepared to move to the Federal centre of government. She also noted that the Commonwealth State Ministers on the Status of Women were undertaking research on this issue.

Article 10

27. In reply to a question on action to raise female enrolment at the university level, the representative recalled that the number of women in higher education had grown steadily, reaching more than 50 per cent. More women than men had enrolled since 1987. However, women were still underrepresented in certain areas of study, and concentrated in arts, humanities, social sciences and education. The Government had published a plan for equity in higher education entitled "A Fair Chance for All", which set the goal of increasing women's share of engineering enrolments to 15 per cent and in other non-traditional courses to 40 per cent by 1995.

28. Members of the Committee requested further information on the education of Aboriginal women, their enrolment at university and their entry into the professions. The representative replied that the enrolment of Aboriginal and Torres Strait Islander women in higher education had increased by 192 per cent in the past five years, with women now representing 61 per cent of the total number of students. The rate of completion of courses remained of concern, although no detailed figures were available.

Article 11

29. The Committee was interested in the outcome of an initiative to review the restructuring of earnings. The representative confirmed her Government's strong support of a continued review of award wage relativities based on comparisons of skills and responsibilities. The ratio of female to male average weekly ordinary time earnings for a full-time adult was 83.2 per cent in 1992. A survey on workplace bargaining found that more male employees benefited from workplace-negotiated wage agreements. Reforms to the Industrial Relations Act 1988 were undertaken in consultation with women's organizations to ensure that the industrial reforms would protect women's interests. Certified agreements would continue to exist between employees, unions and employers, but flexible agreements might be made directly between employers and employees. Agreements are required to ensure "no disadvantage" in the terms and conditions of employment for the employees. To this end, a number of additional safeguards have been included.

30. Asked whether the authorities planned to propose legislation to ensure equal remuneration for work of equal value with a view to raising women's incomes, the representative stated that the Government had ensured this provision under the Industrial Relations Reform Act 1993. Efforts were made to remove discriminatory elements in wage-fixing arrangements.

31. In view of the fact that the majority of women in Australia were working part-time and assuming all family obligations, members took note of their

economic disadvantage and inherent obstacles for career advancement and participation in public activities. Further clarification on the status of part-time workers, particularly their pension and social security rights was needed. The representative confirmed that Australia had seen an increase of female part-time employment by 60 per cent compared to a growth in female full-time employment of approximately 25 per cent. Part-time workers tended to be employed more frequently on a casual basis rather than on a permanent part-time basis, which would give them continuity of employment and the possibility, generally, of accruing benefits. The Government welcomed the extension of permanent part-time employment and indicated that casual work should generally be restricted to short-term, irregular or seasonal work. The representative gave detailed information on pension and social security rights of part-time workers, in particular unemployment payments, job research and newstart allowances, family payments, pension payments and superannuation which would significantly increase coverage of part-time and casual employees. Asked what was considered part-time work, the representative said that it was employment of less than 30 hours a week.

32. The Committee noted that 44 per cent of working mothers had children under four years of age, 60 per cent had children under 14 years of age and 49 per cent were single mothers. They asked whether the 1989-1991 programme for the refurbishment and construction of centres solved the problem of child care. The representative stated that the Government had implemented growth strategies to expand the number of funded child-care places, so that 74 per cent of the demand for formal work-related care for children below school age and 51 per cent for school-age children could be met in 1992-1993.

33. Asked about women's employment in mines, the representative replied that there was resistance from the trade unions to allow women to go underground and to enter an exclusively male-dominated profession.

Article 12

34. Asked whether the nationally organized cervical screening programme had been implemented, the representative confirmed that all Health Ministers had adopted an organized approach to detection and management of cervical pre-cancers that included a national cervical screening policy based on a two-year interval, an age range of 18 to 70 years and the establishment of cervical cytology registries. In addition, a television campaign to raise awareness among women on the need of regular testing had been launched in 1993.

35. On a question related to family planning and freely available contraceptive advice for young women without parental consent, the representative said that young women had free access to advice on sexual and reproductive health in clinics funded under the Family Planning Programme.

36. The Committee wanted to know if abortion was available to young women on the same basis as for adult women. The answer was that although equal service was ensured in theory, pregnant minor women were disadvantaged in their access to abortion services, since they did not have their own Medicare card and lacked support and money for transportation and consultation of specialists.

37. The Committee asked whether the Government planned to harmonize its family-planning, contraception and abortion policies. The representative stated that abortion laws were the responsibility of State and Territory governments, whereas the Family Planning Programme was a Commonwealth initiative. A harmonization took place in the sense that the Family Planning Programme was a means to prevent unwanted pregnancies and reduce demand for abortions.

38. On a question about the decrease of maternal and child mortality rates among the Aboriginal population, the representative highlighted that the health of Aboriginal and Torres Strait Islander peoples had significantly improved in the past two decades. However, the burdens of disease continued to be comparatively high as did levels of child mortality. The proportion of maternal deaths had not decreased yet. There was a great need for an indigenous women's health policy to complement the National Aboriginal Health Strategy, the major initiative in Aboriginal and Torres Strait Islander health. Asked about legal or social barriers to artificial insemination and the public's response, in particular women's response to this process, the representative replied that the direct regulation of artificial insemination was a matter for State and Territory governments. The Commonwealth Government subsidized artificial insemination through the national health insurance scheme. There was evidence that the majority of the population accepted artificial insemination as part of wider reproductive technologies but was concerned about the confidentiality of information, ethnic cultural values and the rights of the child. Women were particularly concerned about the cost and emotional stress involved.

Article 15

39. The Committee commented on a recent controversy about gender bias in the Courts that had resulted in a referral to the Australian Law Reform Commission. It asked whether the Government would introduce legislation or encourage Law Societies and the Judiciary to adopt and implement the final recommendation of the Commission. The representative stated that her Government had taken action to address the issue of gender bias in the legal system. The Attorney-General had acknowledged that the process of judicial appointments should comprise suitably qualified women as well as other underrepresented groups. The Federal Government recognized the importance of judicial education. Gender bias awareness programmes for magistrates and judges had been developed.

Article 16

40. The Committee wanted to know how the Government intended to enact and enforce legislation designed to comply with the Convention and to protect women if marriages contracted, according to customary law, conflicted with the Convention. The representative said that Aboriginal customary marriages did not comply with the provision of the Marriage Act 1961 and therefore were not recognized as valid marriages, but could be accepted as de facto heterosexual relationships in some State jurisdictions. The Australian Law Reform Commission recommended that Aboriginal customary marriages should be recognized for specific purposes, such as social security law, and for giving legitimate status to the children of such marriages. There were no plans to legislate with respect to Aboriginal customary marriage.

41. The Committee noted that the Australian Law Reform Commission had made certain recommendations concerning marriage practices, such as polygamous marriages, which might comply with religious or customary law but be in conflict with the principles of the Convention. Asked whether there were plans to legislate and enforce domestic law which would protect women from traditions that endangered their health and caused them and their children hardship, the representative stated that marriage, according to the law in Australia, was the union of man and woman voluntarily entered into for life and a contract of valid polygamous marriage was not possible according to the law. A de facto polygamous marriage contracted outside Australia would be recognized only if valid according to the common law rules of private international law. Any religious or customary marriage which did not comply with the Act's provisions was not valid.

42. On a question with regard to de facto relationships and the legal action taken to solve the problem of custody and guardianship of children, inheritance, maintenance and allocation of household property, the representative said that the effect of a de facto relationship was governed by State and Territory legislatures and courts, except in relation to children of such relationships. Jurisdiction therefore varied on the issue of share in the intestate estate of a deceased de facto partner. Guardianship, custody and maintenance of children was a matter for the Family Court or the Federal Child Support Agency.

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ADOPTION OF THE DRAFT REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Reports on an exceptional basis

1. The Committee considered reports on an exceptional basis through presentation of the reports by the States concerned, followed by questions by the experts and answers by the States.

A. Bosnia and Herzegovina

2. The Committee considered the report of Bosnia and Herzegovina at its 253rd meeting on 1 February 1994.

3. In her opening remarks, the Chairperson of the Committee recalled that, at its twelfth session in 1993, the Committee had decided inter alia that it should "... pursuant to article 18 of the Convention, request the States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis and that such a report or reports should be considered at the next meeting. In addition, the Committee put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world".

4. Being deeply concerned by recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention, having noted that all the women within the territory of the former Yugoslavia were entitled to the guarantees of the Convention, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, in accordance with the practice of other human rights treaty bodies, and acting under article 18 of the Convention the Committee had requested certain States within the territory of the former Yugoslavia, in particular the Governments of Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro), to submit reports on an exceptional basis within the mandate laid down at the previous session of the Committee.

5. In introducing the report, the representative of Bosnia and Herzegovina confirmed the commitment of her country to the Convention as well as all other international human rights treaties. She further referred to the unprecedented suffering of civilians in her country in the last 21 months as a result of the aggression of the regular and irregular armed forces of Serbia and Montenegro and their surrogates in Bosnia as well as parts of the armed forces of the Croatian Defence Council (HVO) under the command of extremist nationalists and with the active participation by, and support in terms of manpower and military equipment of, parts of the regular armed forces of Croatia. Thousands of people had been killed or were unaccounted for; thousands were wounded, handicapped, had disappeared or died of starvation, cold and disease; thousands had been forced to abandon their homes and their land, often losing families and friends. In pursuing the goal of ethnic cleansing, which was the direct cause of the vast majority of gross human rights violations, various atrocities and the infliction of terror among the population, the Serb aggressors and Croat extremists violated international legislative standards of human behaviour. Numerous cities, various places of worship and cultural monuments had been destroyed. So had homes, shops and places of business. As confirmed by the numerous reports of intergovernmental and non-governmental investigating teams, commissions and groups, refugees in the detention camps were often exposed to terror, torture and humiliation. Even in the declared United Nations "safe areas", they lived in inhuman conditions, exposed to indiscriminate shelling, starvation and constant fear.

6. She referred to the mass and systematic rape of non-Serbian women of all ages, stressing that the majority had been Muslim women, as one of the most complex manifestations of aggression, the policy of ethnic cleansing and a particular form of genocide. According to the State Commission in Bosnia and Herzegovina, approximately 25,000 victims had been registered. Women had also been victims of massive deportation and detention in most of the 200 registered camps in the occupied territories. Those camps were the scene of large-scale rapes, forced prostitution and other abuses. She provided examples of camps, restaurants and hotels where such abuses took place on a massive scale. In some cases, after being raped, women were killed, had disappeared or had committed suicide. Those actions were premeditated, carefully organized and meant as acts to humiliate, shame and degrade the entire ethnic group. They were not just products of the "war environment". Some acts of violence against women's integrity took place in front of their family members, or even local communities. She referred further to the reports of experts, submitted to the

General Assembly or the Security Council (e.g., A/48/92; S/25341) as well as the relevant resolutions of those bodies (General Assembly resolution 48/143; Security Council resolutions 780 (1992) and 798 (1992)), which strongly condemned those acts and pointed to the consequences of those crimes for their victims, such as unwanted pregnancies, mainly ending in abortions, and physical and psychological damage, ruining their family, social and private lives as well as their health and well-being. For the nation it meant humiliation, disintegration of tradition and culture. In order to assist the victims, the Government has committed itself to their protection focusing on financial, medical and psychotherapeutic help as well as the prevention of any form of discrimination and assistance in their reintegration in society. The issue was addressed in the work of some NGOs and several centres had been opened to assist traumatized women.

7. She also referred to the situation of refugees, in imminent danger while fleeing from or through the areas of armed conflict and living in very difficult conditions in refugee camps. Among the estimated 1,250,000 refugees from the territory of Bosnia and Herzegovina, 60 per cent were women and, out of 1,288,000 displaced persons, women constituted 65 per cent. Their needs, however, were far from being properly addressed in spite of the efforts of numerous women's groups, individuals and international organizations. The main needs of women refugees related to health care, nutrition, basic housing facilities and responsibility for their children.

1. General observations

8. Members of the Committee commended the report and welcomed the fact that the representative of the country was attending the meeting of the Committee, despite the dramatic situation in the country. They expressed their solidarity as women with the women of Bosnia and Herzegovina and their deep concern about the prevailing war and ongoing violations of human rights, particularly the rights of women. They expressed their dismay at the daily information about ongoing atrocities, ethnic cleansing and acts of violence directed against women and children, including mass rapes. They emphasized that, as members of the Committee, they were interested in any further information that could lead to a better understanding and an improvement of the situation of women, protection of their rights, alleviation of their sufferings and prevention of actions contrary to international standards of human rights and the provisions of the Convention.

9. The view was expressed that the crimes against women should be thoroughly looked into, like any other human rights violations. Proper legal proceedings should be established. An end should be put to the ongoing war and lasting peace and justice for all parties should be ensured.

10. Asked whether there were any specific machineries for women providing them with humanitarian and legal assistance as well as information about their rights and the Convention, the representative answered that she was not aware of any specific mechanism dealing separately with women's issues. People had many more immediate and dramatic needs that the Government had to address, such as the lack of water, food, fuel, other basic goods, medicines and shelter in the besieged cities. Initiatives and structures related to the advancement of women

had existed before the war. She would, however, provide more details in the next report.

11. Other questions related to the specific assistance provided to women victims of rape; the exact number of therapeutic and rehabilitation centres for women victims of violence; and the ways in which women were involved in their organization. It was also asked whether the denunciation of the rapes by the international public opinion and media was helpful.

12. In reply the representative stated that there were specific centres for all traumatized women, providing psychotherapy, consultations and other forms of assistance to alleviate their plight. Although those centres assisted women victims of rape, they were also accessible to other war victims in order not to label and single out raped women. She was not able to provide comprehensive information on those centres, and she stated that any assistance from the international community with regard to alleviating the consequences of that traumatic situation for women was helpful.

13. With regard to the request for more detailed information about how the number of 25,000 women victims of rape had been estimated, the representative replied that it was difficult to compile the full evidence in the conditions of war. Certain camps were not accessible even to the official investigating teams, or had often been relocated or closed if the inspection was expected. Certain parts of the country had not been accessible until now. Besides, many women were not willing to provide testimony, but rather preferred to put the tragedy behind them and move on with their lives. Thus, the data compiled by the State Commission had been based on the reports of various commissions, women's testimonies, information provided by women's groups and refugee women. The figure of 25,000 had been carefully estimated and was considered on the low side. She further pointed to the necessity to distinguish between the rape that were known to take place in the environment of war and disorder and the genocidal rape of women in her country, which were a matter of policy and were used as means of warfare to achieve the goals of ethnic cleansing, to humiliate the nation and the ethnic group, to result in forced pregnancies reminding women of the terror and preventing them and their families from leading normal lives. Thus, attempts to educate society how to help the victims and cope with the situation were very important.

14. The experts further asked who specifically dealt with the consequences of violence against women, including forced pregnancies, what measures had been taken in that respect by the Government, NGOs and whether there were any women's support groups. It was asked whether abortion was accessible to women victims of rape if they decided to undergo it; what was the legal status of children born as a result of rape and whether they were taken back by the families or placed in orphanages.

15. In reply, the expert stated that, in assisting traumatized women, the Government could not go much beyond the measures already described in her presentation. Daily preoccupation with such essential matters as the provision of fuel, food, cloth, medicines; maintenance and reconstruction of electricity, water, telecommunication and transportation lines; restoration of houses, shelters, and hospitals absorbed fully the Government. Besides, the war was

still going on and creating additional daily demands. There was no information on the number of abortions performed as a result of rape. However, it was assumed that a number of women decided to give birth to the child, neither admitting nor discussing the fact that it had been conceived as the result of rape. There were, however, also the cases of self-inflicted abortions, reported by some grass-roots organizations. Although the law permitted abortion, it was not always possible in practice owing to scarce medical facilities. There was also no specific information on children born as the result of forced pregnancies and the incidence of rape. Numerous NGOs carried out various forms of medical, psychological and therapeutic activities aimed at assisting those women, helping them to cope with the situation, to go on with their lives. Some other NGOs focused on the collection of data and testimonies from women victims of rape in order to prepare for court proceedings, including the future presentation of cases at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. Those women's groups often got assistance and training from women's networks in other countries, mainly in the West.

16. With regard to the possibility of the International Tribunal taking up the cases of violence, the question was asked whether the victims of such actions, considered for the first time as war crimes instead of individual acts of violence, would be given compensation as victims of torture and special assistance by the Government. Compensation to women victims should be a part of the peace agreement.

17. In reaction to those statements, the representative replied that her Government attached great importance to the establishment of the International Tribunal to follow up the cases of war crimes and that it considered essential that rape be included in the list of war crimes. Such a decision would establish an important legal precedent. The issue of monetary compensation to women victims of war rape would be referred to in her Government's regular report. However, the Government viewed that issue in the context of war crimes, considering rape as a war weapon and an instrument of the ethnic cleansing policy.

18. Asked about the cases of violations of women's human rights by members of the military of Bosnia and Herzegovina or by the individuals, the expert replied that, although the report of the Special Rapporteur stated that acts of violence against women had been committed by all parties, the majority of those acts were targeted against Muslim women by the Serbs. At the beginning of the aggression against Bosnia and Herzegovina, there had been no army in her country and the defence had been organized by citizens, in a spontaneous manner. Thus, there had been individual cases of violence against women, either meant as acts of revenge, or individual war-related acts of violence. Those cases, when discovered, had been punished by the authorities with dismissal from the army or detention. The Government also took steps to prevent such acts.

19. Attention was drawn to the relevance of general recommendation 19 of the Committee related to the issues of violence against women and the 1974 Declaration on the Protection of Women and Children in Armed Conflicts. The obligation of Governments to eliminate and persecute discrimination and cases of

violence committed by public authorities as well as individuals was emphasized. Questions were raised as to whether any measures had been undertaken by the Government of Bosnia and Herzegovina to prevent violence, to protect women and children and to eliminate hatred and whether the Committee could help in that respect. It was further asked what was the role of women's organizations in that regard.

20. In reply to the question about government policies for assistance to the families in wartime, the representative replied that, although the capacity of the Government had been very limited and focused on the immediate and basic needs of society, the issue has been addressed in the mass media; there were centres of family counselling and there were attempts to raise awareness of the importance of the family to its members.

21. In reply to questions related to the medical needs of women, in particular specific needs of women victims of rape, and the overall state of the health services, the representative replied that, although the level of medical services had been very high in the past, they had been seriously destroyed through the war and were affected by the lack of basic equipment and medicines. Thus, the capacity of those services had been very limited and continued to be affected on a daily basis by shelling or siege.

22. With regard to the request to assist the Committee in seeking practical help for women at the highest level of the United Nations and the question about existing assistance provided to women by the international governmental and non-governmental organizations, the representative replied that those organizations had been doing a lot to alleviate the suffering of the population, but had not succeeded in putting an end to the war, the cause of the present situation. Some organizations of the United Nations system such as the Office of the United Nations High Commissioner for Refugees, and humanitarian NGOs contributed to the provision of basic goods and assistance, medical intervention in serious cases requiring transfer abroad and training for local women's groups dealing with traumatized women. However, much foreign assistance was not available owing to the siege of towns and villages, the blockade of ports and the shelling of transport facilities. One of the experts asked what would be the form of assistance most required from women in Western countries to the women in Bosnia and Herzegovina.

23. Regarding the observation on the importance of the full participation of women in all spheres of life for the future of the country and referring to a request for more information on the participation and role of women in decision-making bodies at the government and local levels, as well as in the peace negotiations, and discussions concerning the future of the country, the representative stated that the data would be submitted in the next report. She further remarked that there were many women in the foreign service and a woman occupied the crucial post of ambassador to Croatia.

24. With regard to questions related to the situation of refugee women and children, their safety, specific needs and the services they required, the representative stated that their conditions had been increasingly difficult as most of them lived on the territory of Bosnia and Herzegovina, already severely suffering from war and the shortage of basic goods and services, and the flow of

refugees from war affected areas to the refugee camps continued. Many refugees had been killed or affected on their way to safety and it was very difficult to protect them. International assistance was particularly important in that respect, including the acceptance of many refugees by foreign countries.

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Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Federal Republic of Yugoslavia (Serbia and Montenegro)

1. The Committee considered the report of the Federal Republic of Yugoslavia (Serbia and Montenegro) (CEDAW/C/YUG/SP.1) at its 254th meeting, on 2 February 1994.

2. In her opening remarks, the Chairperson of the Committee recalled that at its twelfth session, in 1993, the Committee had decided inter alia that it should, pursuant to article 18 of the Convention, request that States of the territory of the former Yugoslavia to submit a report or reports on an exceptional basis and that such a report or reports should be considered at the next meeting. In addition, the Committee put on record its commitment to look into similar grave violations of rights being experienced by women in any part of the world (A/48/38, para. 2).

3. She also stated that in accordance with the practice of other human rights treaty bodies, the Committee, deeply concerned about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under the Convention, having noted that all the women within the territory of the former Yugoslavia were entitled to the guarantees of the

Convention, finding that the new States within the boundaries of the former Yugoslavia had succeeded to the obligations of the former Yugoslavia under the Convention, and acting under article 18 of the Convention, had requested certain States within the territory of the former Yugoslavia, in particular Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to submit reports on an exceptional basis within the mandate given by the Committee at its previous session. 1/

4. In introducing the report, the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) described the consequences of the disintegration of the Socialist Federal Republic of Yugoslavia, the civil war in Bosnia and Herzegovina which had caused a flow of refugees to her country and the blockade unjustly imposed on her country by the international community, in particular as a result of the sanctions introduced by the Security Council in its resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993. She also referred to the numerous interventions by various humanitarian organizations and individuals to provide humanitarian aid and to draw the attention of the world to the devastating consequences of the sanctions for the national economy, social infrastructures and the entire civil population, in particular women and the vulnerable groups.

5. Living standards had fallen dramatically. National health services lacked basic medical supplies and infrastructures and the supply of imported medicines and other needed goods was blocked or obstructed by the embargo. Mortality had increased, in particular among young children and the elderly, as had the death rate of infants and people suffering from chronic disease. The problem of AIDS had become pressing owing to a shortage of diagnostic tests. Women were affected by the shortage of contraceptives, anaesthetics used for abortions and basic hygienic items. The number of miscarriages and deliveries at home had increased, as had the death rate of live born infants and mortality during delivery of mothers and babies. Stress, fear of the future and separation of families often caused psychiatric problems. Violence, alcoholism and various forms of sexual abuse had increased. Various forms of violence against women and sexual harassment had been addressed through non-governmental activities, including SOS telephones, and by the Government, which considered rape and the abuse of women and children as crimes that should be condemned in the strongest terms wherever they occurred and that those responsible, whoever they were, should be punished.

6. The representative also referred to the issue of abuses of women in war zones and pointed to her Government's position that such crimes were contrary to the international humanitarian law. For those reasons, the Government had cooperated actively with the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992, investigating facts and collecting data about women who had been victims of rape and had come to Yugoslavia as refugees, with the intention of physical and mental rehabilitation of those victims. The Government had also established State bodies to investigate all such allegations, collect data and monitor the rehabilitation of victims of sexual abuse committed in war areas and had sheltered them as refugees in the Federal Republic of Yugoslavia. Some parts of the collected evidence had already been presented to the Commission of Experts and had been circulated as documents of the General Assembly and of the Security Council.

For example, the Commission for monitoring the sexual abuse of women, children and men in conditions of war, composed of medical experts and psychologists, was set up in the Federal Ministry of Labour, Health and Social Policy. Although the Commission did not discriminate in terms of nationality, the majority of victims were Serbian female refugees from Croatia and Bosnia and Herzegovina. Some of those women had already been successfully reintegrated in society, as had, for example, young women who had given birth as a result of rape in Muslim- and Croat-run camps and brothels. Other medical and expert sources revealed that many Serb women had been victims of persecution, sexual torture and rape in various camps for Serbs. Some, however, after hospitalization withdrew their statements and were not included in any evidence. All who had become pregnant as a result of rape had received the necessary assistance. Most of them did not want to talk and wanted to forget everything that had happened to them. Only those who had come to have an abortion after a few months of pregnancy and had been required to have an examination and to obtain the approval of the special medical commission, had revealed what had really happened to them. A considerable number of women who had been raped in Bosnia and Herzegovina, however, with pregnancies of less than 10 weeks, had had abortions without waiting for the Commission's approval and had concealed the fact that they had been raped. Such behaviour only confirmed her country's claim that, in its culture, a woman would admit that she had been raped only if she had to. Rape was so traumatic that it often caused suicidal tendencies. Instead of counting the number of raped women, trying to prove which side had suffered more hardship, doubling their testimonies and using them for political manipulation, it would be better to assist raped women and reintegrate them in society.

1. General observations

7. Members of the Committee thanked the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) for presenting the additional oral report, which was more in compliance with the request made by the Committee at its twelfth session that the States of the former Yugoslavia submit a report or reports on an exceptional basis in view of the Committee's deep concern about recent and current events in the territory of the former Yugoslavia affecting the human rights of women protected under Convention, than the written report was. The written report, contained in document CEDAW/C/YUG/SP.1 of 10 December 1993, which had been previously submitted to the Secretariat, did not meet those requirements, as it was more like a periodic report and did not address the situation of women with regard to the prevailing armed conflict and various forms of violence against women. It was emphasized by some that such a report on an exceptional basis should provide more information on the specific situation of women owing to the state of war. The experts expressed their grave concern over the situation of women in the Federal Republic of Yugoslavia (Serbia and Montenegro), who had been affected by increasingly difficult living conditions, inflation, unemployment, increasing violence in daily life and collapsing social and health services. They expressed their solidarity with all women of the Federal Republic of Yugoslavia (Serbia and Montenegro) and other States of the territory of the former Yugoslavia. They appealed to the wisdom and solidarity of women in the Federal Republic of Yugoslavia (Serbia and Montenegro) to put an end to the war to exercise the force of right and to exert all possible pressure on men at the decision-making levels, in the military and

in peace negotiations, to stop the destruction, to stop using women as tools of war and to achieve peace.

8. The view was expressed that, as in any armed conflict, women and children were the primary victims.

9. In response to those observations, the representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) stated that the main emphasis had been put on regular reporting because her country had not been party to the war in Bosnia and Herzegovina. It had nothing to do with the civil war in Bosnia and Herzegovina between the Bosnian Serbs, the Bosnian Muslims and the Bosnian Croats. The last soldier of the former Yugoslav People's Army had left the territory of Bosnia and Herzegovina on 19 May 1992, so the Federal Republic of Yugoslavia could not be responsible for the ongoing violations of human rights in Bosnia and Herzegovina. Thus, she was not in the position to report on human rights violations in Bosnia and Herzegovina. The Federal Republic of Yugoslavia was doing its utmost and playing a very constructive role within the ongoing Geneva peace negotiations.

2. Questions of experts

10. The reference was made to the fact that despite all diplomatic initiatives, and its internationalization, the conflict kept developing, with all its outrageous consequences for women and children. It was asked whether women had the political will and strength to stop further fighting, organize themselves for peace at all levels and struggle together, independent of ethnicity, nationality or religion, for a just and peaceful future for the country and for its reconstruction. The explanation was also sought as to the role of non-governmental organizations in the search for peace and the participation of women in the peace negotiations, reconstruction of the country and its future decision-making bodies.

11. The representative answered that in the Federal Republic of Yugoslavia (Serbia and Montenegro) women supported the Government's policy related to Bosnia and Herzegovina which was the policy of peace. Together with men in the Federal Republic of Yugoslavia, they sought a peaceful solution to the war in Bosnia and Herzegovina. Non-governmental organizations in the Federal Republic of Yugoslavia had made some attempts towards peace, but had not succeeded up to now.

12. The experts commented on various negative consequences of the sanctions described in the report and pointed to their damaging effects, especially for women, in particular with regard to employment, health care, housing, nutrition, pensions, maternity, child care, daily violence, sexual abuse and the disintegration of the family. While reiterating concern that all sanctions affect the most vulnerable social groups and not the Governments, reference was made to the lack of explanation in the report as to why the embargo had been imposed, and to the linkage between the gross violations of human rights, including rape and other forms of violence against women, and the imposition of the embargo. In that context, it was asked why reference was made in the report to Kosovo and Metohija as regions that were "slow in ridding themselves from

some traditions and customs related to ensuring equality of men and women (CEDAW/C/YUG/SP.1, p. 12) and why the distinction was made on ethnic, religious and traditional grounds. The representative replied that those regions had been singled out not for the purpose of discrimination, but for special attention, as requested by the Committee at its tenth session.

13. The observation was made that the report did not address property the issues of violence against women. While information had been provided in the statement on the increasing daily aggression and violence against women in the Federal Republic of Yugoslavia (Serbia and Montenegro), such as physical violence, sexual abuse, verbal and/or physical coercion of women to sexual intercourse, sexual abuse of children, verbal and emotional abuse of women and children, harassment and intimidation of women at their places of work, economic abuse of women and children, there had been no information on the issue of rape as a weapon of war. Although reference to mass rapes used as means of warfare was included in reports of the Special Rapporteur of the Commission on Human Rights and in many press reports on the subject in the last two years, exact information and data on the subject would be essential to the Committee. The situation in which might prevailed over right and men used their power to return to such practices of the dark ages was shocking and required clarification as to the facts, figures and actions taken by the Government, if any, to bring the perpetrators to justice and assist the victims. One expert, however, did not share the view that such data would be important, but rather favoured the view that the focus should be on rehabilitation of and assistance to women victims. The remark was also made that the formulation in the oral report made by the representative that "aberrant and violent sexual behaviour is far from being characteristic of the war in the former Bosnia and Herzegovina alone; such behaviour has occurred in all known wars thus far" (CEDAW/C/SR.254) was unacceptable, as well as immoral and appalling.

14. The representative stated that the accusation of the use of mass rapes as a war weapon did not apply to her country at all because the Federal Republic of Yugoslavia was not engaged in the war in Bosnia and Herzegovina. She referred to the report of the Special Rapporteur, which confirmed the incidence of mass rapes but pointed to all parties in the conflict. Although incidents had happened in all war-torn areas, the evidence of ordered, systematic rapes was very weak, and the Federal Republic of Yugoslavia had strong evidence of Serbian women being raped by Croats and Muslims. She also stated that the issue of violations against women who had found refuge in the Federal Republic of Yugoslavia had been studied by the State Commission for War Crimes and the Crimes of Genocide and the Interdepartmental Group of the Federal Government involving all crucial ministries, non-governmental organizations and associations of citizens. She stated that her Government was willing to cooperate with all international fact-finding bodies. She also apologized for the sentence that might give the false impression that rape was considered, by the Government of the Federal Republic of Yugoslavia, normal behaviour in times of war and asked that it be seen in the context of the next paragraph, in the report which characterized rape clearly as a great breach of humanitarian law.

15. With regard to the concern expressed over the situation and the marginalization of detained women, incidents of unwanted pregnancy, numerous abortions, women dying during delivery, the dramatically declining birth rate, as well as increasing infection with AIDS, she pointed out the increased difficulties that influenced the status of women in the Federal Republic of Yugoslavia owing to the consequences of war in neighbouring Bosnia and Herzegovina, general shortages and the malfunctioning of medical services and supplies and the collapse of social structures as a result of the sanctions. Abortion was still used as a means of contraception. There was an increasing number of new-born children with AIDS. The risk of AIDS was particularly dangerous, especially in view of the lack of proper information, medicines and sexual education, especially among young people.

16. Asked about the data related to prostitution, policies in that respect and the increasing number of female prostitutes visible, even in neighbouring countries, the representative answered that prostitution was not a crime under the provisions of the Yugoslav Penal Code. Increased numbers of prostitutes, who were mainly women, but also young girls and boys, had started to practise "correct prostitution" as a result of the dramatic situation of the country and the lack of basic goods and prospects.

17. With regard to questions related to the situation of women and children refugees, the representative stated that the refugees from all neighbouring war-ridden areas were accepted by the society and individual families regardless of their ethnic origin, religion or nationality. This was also a policy of her Government. Referring to the question of the increased incidence of violence within the families that received the refugees, she stated that it had resulted from basic shortages and daily hardship and had nothing to do with the national or ethnic background of the refugees and the receiving families. Contrary to the image, the cultural differences between the nations of the former Yugoslavia were not so drastic, and those nations had lived in peace together for many years.

18. In conclusion, one expert said that the representative's statement that her country had nothing to do with the human rights violations in Bosnia and Herzegovina was not acceptable.

Notes

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), chap. I, sect. B, para. 2.